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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
MUR 6209) CASE CLOSURE UNDER THE
LIBERTARIAN NATIONAL COMMITTEE) ENFORCEMENT PRIORITY
AND AARON STAR) SYSTEM
AS TREASURER)
BARR 2008 PRESIDENTIAL COMMITTEE)
AND DAVID CHASTAIN)
AS TREASURER)
THE BOB BARR LEADERSHIP FUND)
AND PAUL KILGORE)
AS TREASURER)

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters, compared to other higher-rated matters on the Enforcement docket, warrants the exercise of its prosecutorial discretion to dismiss these cases. The Office of General Counsel scored MUR 6209 as a low-rated matter.

The complainant, George D. J. Phillips, alleges that the Libertarian National Committee ("the LNC") and Aaron Starr, in his official capacity as treasurer, failed to report making a \$10,000 contribution to the Barr 2008 Presidential Committee ("the Barr Committee").¹ Complainant points out that the Barr Committee disclosed receipt of the \$10,000 contribution on July 23, 2008, but the LNC did not disclose a corresponding \$10,000 disbursement. The complainant also notes that shortly thereafter the LNC

¹ Bob Barr was a Presidential candidate in the 2008 election cycle.

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1 disclosed receiving a similar \$10,000 contribution from the Bob Barr Leadership Fund on
2 July 31, 2008. The complainant suggests that the LNC may have served as a conduit for an
3 excessive contribution from the Bob Barr Leadership Fund ("Barr Leadership Fund") to the
4 Barr Committee.²

5 In their responses, the respondents explain that the LNC did not make the reported
6 July 23, 2008 contribution (or any other contribution to the Barr Committee) and that the
7 Barr Committee disclosed the \$10,000 contribution in error. The Barr Committee explains
8 that the \$10,000 amount was actually an LNC payment to an independent vendor for ballot
9 access activities that it inadvertently disclosed as a contribution. The respondents also
10 confirm the Barr Leadership Fund's \$10,000 contribution to the LNC on July 31, 2008.
11 Also, the LNC explains that it erroneously disclosed the Barr Leadership Fund's \$10,000
12 contribution as a receipt from the Barr Committee. The respondents also assert that they
13 amended their respective disclosure reports to correct the misreported receipts. The LNC
14 amended its September 2008 Monthly Report on July 13, 2009 (prior to the complaint), to
15 correct the reporting error.

16 The Barr Committee admittedly misreported the receipt of a \$10,000 contribution
17 on its August 2008 Monthly Report, thereby overstating its receipts for the reporting period.
18 However, it does not appear that the Barr Committee amended its disclosure report to
19 remove the contribution. Similarly, the LNC admittedly misreported the correct source of a
20 \$10,000 contribution, but amended its disclosure reports to correct the error prior to the
21 complaint. Considering the respondents' admissions, the LNC's remedial action,

² Complainant also notes that the Bob Barr Leadership Fund had previously contributed to Bob Barr's 2008 presidential campaign.

and in furtherance of the Commission's priorities and resources relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss the matter. See *Heckler v. Chaney*, 470 U.S. 821 (1985). Additionally, this Office intends on reminding the Barr Committee of its obligation to correct and amend its disclosure reports to properly account for receipts, as required by 2 U.S.C. § 434(b)(1) and (2).


RECOMMENDATIONS

The Office of General Counsel recommends that the Commission dismiss MUR 6209, close the file, and approve the appropriate letters. Additionally, this Office recommends reminding the Barr 2008 Presidential Committee and David Chastain, in his official capacity as treasurer, of the requirements under 2 U.S.C. § 434(b)(1) and (2) concerning the filing of disclosure reports and amendments as they relate to accurately reporting contributions.

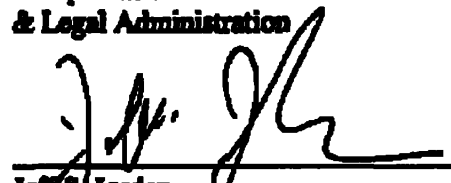
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2/25/07
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